

MARR JONES & WANG

A LIMITED LIABILITY LAW PARTNERSHIP

Labor and Employment Law

June 13, 2016

Mark J. Langer, Esq.
Clerk, United States Court of Appeals
for the District of Columbia Circuit
E. Barrett Prettyman U.S. Courthouse
333 Constitution Avenue, NW, Room 5423
Washington, D.C. 20001-2866

Re: *HTH Corporation, Pacific Beach Corporation and
Koa Management, a single employer, d/b/a
Pacific Beach Hotel v. NLRB*
D.C. Cir. Nos 14-1222, 14-1283

Dear Mr. Langer:

Pursuant to FRAP 19 Petitioners HTH Corporation, et. al. hereby submit their proposed judgment, which we believe better conforms to the opinion filed by the Court. In addition, we do not believe the notices attached to the NLRB's proposed judgment should be made part of the judgment.

Very truly yours,

/s/ *Richard M. Rand*

Richard M. Rand

RMR:cs

Enclosure

781400/0686.005

Pauahi Tower • 1003 Bishop Street, Suite 1500 • Honolulu, Hawaii 96813
Phone: (808) 536-4900 • Fax: (808) 536-6700 • Direct: (808) 566-5678 • E-mail: rrand@marrjones.com

**UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

HTH CORPORATION, PACIFIC
BEACH CORPORATION AND KOA
MANAGEMENT LLC,

Petitioners/Cross-
Respondent,

vs.

NATIONAL LABOR RELATIONS
BOARD,

Respondent/Cross-
Petitioner.

Nos. 14-1222 &
14-1283

JUDGMENT

Before: HENDERSON and ROGERS, Circuit Judges, and
WILLIAMS, Senior Circuit Judge

This matter came before this Court on the petition filed by HTH Corporation Pacific Beach Corporation, Koa Management a single employer to review orders of the National Labor Relations Board reported at 365 No.65. The National Labor Relations Board cross-appealed for enforcement of its orders. The Court heard oral argument on February 9, 2016 and on May 20, 2016 filed its opinion granting in part and denying in part the petition for review filed by HTH Corporation and granting in part the NLRB's cross-petition for enforcement.

It is hereby ordered therefore that the petition for review is granted in part in so far as it is found that the National Labor Relations Board lacks authority to order the award of litigation expenses either to itself or to a union. The NLRB's cross-petition for enforcement is granted except to the extent that it sought the award of litigation expenses including attorney's fees and it is granted with respect

to the notice reading requirement on the basis that the NLRB allows the petitioner to have an NLRB employee read the notice.

It is further ordered that costs are not awarded to either party.

Judge, United States Court of Appeals
for the District of Columbia Circuit

Judge, United States Court of Appeals
for the District of Columbia Circuit

Judge, United States Court of Appeals
for the District of Columbia Circuit

ENTERED:

**UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

HTH CORPORATION, PACIFIC
BEACH CORPORATION AND KOA
MANAGEMENT LLC,

Petitioners/Cross-
Respondent,

vs.

NATIONAL LABOR RELATIONS
BOARD,

Respondent/Cross-
Petitioner.

Nos. 14-1222 &
14-1283

CERTIFICATE OF SERVICE

I hereby certify that on June 13, 2016, I electronically filed the foregoing document with the Court for the United States Court of Appeals for the District of Columbia Circuit using the appellate CM/ECF system. I further certify that the foregoing document was served on all parties or their counsel of record through the appellate CM/ECF system:

Linda Dreeben
Deputy Associate General Counsel
National Labor Relations Board
1099 14th Street, NW
Washington, D.C. 20570

appellatecourt@nlrb.gov

DATED: Honolulu, Hawaii, June 13, 2016.

/s/ Richard M. Rand

Richard M. Rand (Bar No. 55710)

MARR JONES & WANG LLLP

Pauahi Tower

1003 Bishop Street, Suite 1500

Honolulu, HI 96813

Tel. No. (808) 536-4900

Fax No. (808) 536-6700

Email: rrand@marrjones.com

Counsel for Petitioners HTH Corporation,
Pacific Beach Corporation, and Koa
Management, LLC